

**Introduced by Senator Soto  
(Principal coauthor: Senator Alquist)**

February 9, 2006

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An act to amend Section 20057 of the Government Code, relating to the Public Employees' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as introduced, Soto. Public Employees' Retirement System: area agency on aging.

The Public Employees' Retirement Law permits various public agencies, as defined, to enter into contracts to participate in the Public Employees' Retirement System, upon obtaining a specified advisory opinion from the United States Department of Labor.

An area agency on aging provides community planning, program development and services for older Californians.

This bill would permit an area agency on aging to enter into a contract to participate in this system upon obtaining that advisory opinion.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 20057 of the Government Code is
- 2 amended to read:
- 3 20057. "Public agency" also includes the following:
- 4 (a) The Commandant, Veterans' Home of California, with
- 5 respect to employees of the Veterans' Home Exchange and other
- 6 post fund activities whose compensation is paid from the post
- 7 fund of the Veterans' Home of California.

(b) Any auxiliary organization operating pursuant to Chapter 7 (commencing with Section 89900) of Part 55 of the Education Code and in conformity with regulations adopted by the Trustees of the California State University and any auxiliary organization operating pursuant to Article 6 (commencing with Section 72670) of Chapter 6 of Part 45 of the Education Code and in conformity with regulations adopted by the Board of Governors of the California Community Colleges.

(c) Any student body or nonprofit organization composed exclusively of students of the California State University or community college or of members of the faculty of the California State University or community college, or both, and established for the purpose of providing essential activities related to, but not normally included as a part of, the regular instructional program of the California State University or community college.

(d) A state organization of governing boards of school districts, the primary purpose of which is the advancing of public education through research and investigation.

(e) Any nonprofit corporation whose membership is confined to public agencies as defined in Section 20056.

(f) A section of the California Interscholastic Federation.

(g) Any credit union incorporated under Division 5 (commencing with Section 14000) of the Financial Code, or incorporated pursuant to federal law, with 95 percent of its membership limited to employees who are members of or retired members of this system or the State Teachers' Retirement Plan, and their immediate families, and employees of any credit union. For the purposes of this subdivision, "immediate family" means those persons related by blood or marriage who reside in the household of a member of the credit union who is a member of or retired member of this system or the State Teachers' Retirement Plan. The credit union shall pay any costs that are in addition to the normal charges required to enter into a contract with the board. All the payments made by the credit union that are in addition to the normal charges required shall be added to the total amount appropriated by the Budget Act for the administrative expense of this system. For purposes of this subdivision, a credit union is not deemed to be a public agency unless it has entered into a contract with the board pursuant to Chapter 5 (commencing with Section 20460) prior to January 1, 1988. After

1 January 1, 1988, the board may not enter into a contract with any  
2 credit union as a public agency.

3 (h) Any county superintendent of schools that was a  
4 contracting agency on July 1, 1983, and any school district or  
5 community college district that was a contracting agency with  
6 respect to local policemen, as defined in Section 20430, on July  
7 1, 1983.

8 (i) Any school district or community college district that has  
9 established a police department, pursuant to Section 39670 or  
10 72330 of the Education Code, and has entered into a contract  
11 with the board on or after January 1, 1990, for school safety  
12 members, as defined in Section 20444.

13 (j) A nonprofit corporation formed for the primary purpose of  
14 assisting the development and expansion of the educational,  
15 research, and scientific activities of a district agricultural  
16 association formed pursuant to Part 3 (commencing with Section  
17 3801) of Division 3 of the Food and Agricultural Code, and the  
18 nonprofit corporation described in the California State Exposition  
19 and Fair Law (former Article 3 (commencing with Section 3551)  
20 of Chapter 3 of Part 2 of Division 3 of the Food and Agricultural  
21 Code, as added by Chapter 15 of the Statutes of 1967).

22 (k) (1) A public or private nonprofit corporation that operates  
23 a regional center for the developmentally disabled in accordance  
24 with Chapter 5 (commencing with Section 4620) of Division 4.5  
25 of the Welfare and Institutions Code.

26 (2) A public or private nonprofit corporation, exempt from  
27 taxation under Section 501(c)(3) of the Internal Revenue Code,  
28 that operates a rehabilitation facility for the developmentally  
29 disabled and provides services under a contract with either (A) a  
30 regional center for the developmentally disabled, pursuant to  
31 paragraph (3) of subdivision (a) of Section 4648 of the Welfare  
32 and Institutions Code, or (B) the Department of Rehabilitation,  
33 pursuant to Chapter 4.5 (commencing with Section 19350) of  
34 Part 2 of Division 10 of the Welfare and Institutions Code, upon  
35 obtaining a written advisory opinion from the United States  
36 Department of Labor as described in Section 20057.1.

37 (3) A public or private nonprofit corporation described in this  
38 subdivision shall be deemed a “public agency” only for purposes  
39 of this part and only with respect to the employees of the regional  
40 center or the rehabilitation facility described in this subdivision.

1 Notwithstanding any other provision of this part, the agency may  
2 elect by appropriate provision or amendment of its contract not to  
3 provide credit for service prior to the effective date of its  
4 contract.

5 (l) Independent data-processing centers formed pursuant to  
6 former Article 2 (commencing with Section 10550) of Chapter 6  
7 of Part 7 of the Education Code, as it read on December 31,  
8 1990. An agency included pursuant to this subdivision shall only  
9 provide benefits that are identical to those provided to a school  
10 member.

11 (m) Any local agency formation commission.

12 (n) A nonprofit corporation organized for the purpose of and  
13 engaged in conducting a citrus fruit fair as defined in Section  
14 4603 of the Food and Agricultural Code.

15 (o) (1) A public or private nonprofit corporation that operates  
16 an independent living center providing services to severely  
17 handicapped people and established pursuant to federal P.L.  
18 93-112, that receives the approval of the board, and that provides  
19 at least three of the following services:

20 (A) Assisting severely handicapped people to obtain personal  
21 attendants who provide in-home supportive services.

22 (B) Locating and distributing information about housing in the  
23 community usable by severely handicapped people.

24 (C) Providing information about financial resources available  
25 through federal, state and local government, and private and  
26 public agencies to pay all or part of the cost of the in-home  
27 supportive services and other services needed by severely  
28 handicapped people.

29 (D) Counseling by people with similar disabilities to aid the  
30 adjustment of severely handicapped people to handicaps.

31 (E) Operation of vans or buses equipped with wheelchair lifts  
32 to provide accessible transportation to otherwise unreachable  
33 locations in the community where services are available to  
34 severely handicapped people.

35 (2) A public or private nonprofit corporation described in this  
36 subdivision shall be deemed a “public agency” only for purposes  
37 of this part and only with respect to the employees of the  
38 independent living center.

39 (3) Notwithstanding any other provisions of this part, the  
40 public or private nonprofit corporation may elect by appropriate

1 provision or amendment of its contract not to provide credit for  
2 service prior to the effective date of its contract.

3 (p) A hospital that is managed by a city legislative body in  
4 accordance with Article 8 (commencing with Section 37650) of  
5 Chapter 5 of Part 2 of Division 3 of Title 4.

6 (q) The Tahoe Transportation District that is established by  
7 Article IX of Section 66801.

8 (r) The California Firefighter Joint Apprenticeship Program  
9 formed pursuant to Chapter 4 (commencing with Section 3070)  
10 of Division 3 of the Labor Code.

11 (s) A public health department or district that is managed by  
12 the governing body of a county of the 15th class, as defined by  
13 Sections 28020 and 28036, as amended by Chapter 1204 of the  
14 Statutes of 1971.

15 (t) A nonprofit corporation or association conducting an  
16 agricultural fair pursuant to Section 25905 may enter into a  
17 contract with the board for the participation of its employees as  
18 members of this system, upon obtaining a written advisory  
19 opinion from the United States Department of Labor as described  
20 in Section 20057.1. The nonprofit corporation or association  
21 shall be deemed a “public agency” only for this purpose.

22 (u) An auxiliary organization established pursuant to Article  
23 2.5 (commencing with Section 69522) of Chapter 2 of Part 42 of  
24 the Education Code upon obtaining a written advisory opinion  
25 from the United States Department of Labor as described in  
26 Section 20057.1. The auxiliary organization is a “public agency”  
27 only for this purpose.

28 (v) The Western Association of Schools and Colleges upon  
29 obtaining a written advisory opinion from the United States  
30 Department of Labor as described in Section 20057.1. The  
31 association shall be deemed a “public agency” only for this  
32 purpose.

33 (w) The State Assistance Fund for Enterprise, Business, and  
34 Industrial Development Corporation upon obtaining a written  
35 opinion from the United States Department of Labor as described  
36 in Section 20057.1.

37 (x) *(1) An area agency on aging as defined by Section 9006 of*  
38 *the Welfare and Institutions Code upon obtaining a written*  
39 *advisory opinion from the United States Department of Labor as*  
40 *described in Section 20057.1.*

1     (2) *The area agency on aging shall be deemed a “public*  
2 *agency” only for purposes of this part and only with respect to*  
3 *the employees of the agency.*

4     (3) *Notwithstanding any other provision of this part, the area*  
5 *agency on aging may elect by appropriate provision or*  
6 *amendment of its contract not to provide credit for service prior*  
7 *to the effective date of its contract.*